

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

SYMBOLGY INNOVATIONS, LLC

Plaintiff,

v.

MARS, INCORPORATED

Defendant.

Civil Action No. 2:17-cv-00085-AWA-RJK

**JOINT MOTION TO DENY DEFENDANT MARS, INCORPORATED'S MOTION TO  
DISMISS (D.E. 11) AS MOOT, AND  
TO SET DATE TO ANSWER, OR OTHERWISE RESPOND,  
TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

Plaintiff Symbolgy Innovations, LLC's ("Symbolgy") filed its Original Complaint against Defendant Mars, Incorporated ("Mars") on January 3, 2017. On April 6, 2017, Mars moved to dismiss in part the Original Complaint for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) (D.E. 11) ("Mars's Motion"). On April 20, 2017, Symbolgy filed its Opposition to Mars's Motion, together with a First Amended Complaint ("FAC") under Fed. R. Civ. P. 15(a)(1)(B). In its Opposition, Symbolgy argued that the FAC rendered Mars's Motion moot. (D.E. 13 at 3). Although Mars disagrees with the substance of the allegations in the FAC, it agrees that Symbolgy's filing of the FAC moots Mars's Motion. (D.E. 11). Therefore, to conserve the Court's resources, the parties jointly ask: (1) that the Court deny Mars's Motion (D.E. 11) as moot; and (2) that the Court set **May 19, 2017** as the date for Mars to answer, or otherwise respond, to Symbolgy's FAC. A proposed order and waiver of hearing are submitted herewith.

Dated: May 1, 2017

By: /s/Mary D. Hallerman  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 1st day of May, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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